

FILED

JAN 10 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MULTIUT CORPORATION,

Plaintiff - Appellant,

v.

DYNEGY, INC.; et al.,

Defendants - Appellees.

No. 06-16162

D.C. No. CV-05-01300-PMP

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Philip M. Pro, District Judge, Presiding

Submitted January 7, 2008 \*\*

Before: O'SCANNLAIN, SILVERMAN and GRABER, Circuit Judges.

Appellant's motion for summary reversal is granted in light of this court's  
decision in *E. & J. Gallo Winery v. Encana*, 503 F.3d 1027 (9th Cir. 2007).

**REVERSED AND REMANDED.**

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\* This disposition is not appropriate for publication and is not  
precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).